



GENERAL ASSEMBLY COMMONWEALTH OF KENTUCKY

2006 REGULAR SESSION

SENATE BILL NO. 108

AS ENACTED

FRIDAY, MARCH 24, 2006

RECEIVED AND FILED
DATE April 4, 2006
1:54pm

TREY GRAYSON
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY R. J. Heller

AN ACT relating to retirement for police and firefighters in urban-counties and declaring an emergency.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

1 Section 1. KRS 67A.345 is amended to read as follows:

- 2 (1) All members of the policemen's and firefighters' retirement fund of the urban-
 3 county government, operated pursuant to KRS 67A.360 to 67A.690, and all
 4 members of the urban-county government city employees pension fund who retired
 5 prior to July 1, 1999, and who did not terminate their participation in the group
 6 health insurance plan provided by the urban-county government before that date,
 7 and all members who retire on or after July 1, 1999, or who withdrew~~[withdraw]~~
 8 from service on a certificate prior to September 18, 2002~~[pursuant to KRS~~
 9 ~~67A.410(2)]~~, shall continue to be eligible to participate, at the member's cost, in a
 10 group health insurance plan approved by the urban-county council for such retirees.
- 11 (2) The urban-county government shall provide, on behalf of all eligible members of
 12 the policemen's and firefighters' retirement fund and city employees pension, the
 13 following benefits:
- 14 (a) A sum equal to the single premium for the plan coverage selected by the
 15 retiree, but not more than one hundred percent (100%) of the urban-county
 16 government's contribution to the health insurance component of the benefit
 17 pool for current urban-county government employees; and
- 18 (b) Upon the death of a member of the policemen's and firefighters' retirement
 19 fund due to occupational causes, the urban-county government shall pay to the
 20 approved provider of the group health insurance plan one hundred percent
 21 (100%) of the cost of the family medical coverage for the member's surviving
 22 spouse and dependent children as long as they remain eligible for a monthly
 23 retirement allowance from the retirement fund.
- 24 (3) No benefits shall be available under this section to retired members who were not,

1 immediately prior to July 1, 1999, participants in the group health insurance plan
 2 coverage provided to urban-county government employees and retirees or who retire
 3 on or after July 1, 1999, and, at the time of their retirement, do not elect to
 4 participate in the group health insurance plan coverage provided pursuant to
 5 subsection (1) of this section.

6 (4) Benefits shall be available under this section to members of the policemen's and
 7 firefighters' retirement fund who, prior to September 18, 2002, withdrew
 8 ~~withdrew~~ from service on a certificate ~~[pursuant to KRS 67A.410(2)]~~ when they
 9 attain the age of forty-six (46) years if, at the time they withdrew~~[withdrew]~~ from
 10 service, they elected~~[elect]~~ to participate in the group health insurance plan
 11 coverage provided pursuant to subsection (1) of this section upon attaining age
 12 forty-six (46).

13 (5) All payments shall be made to the approved provider of the group health insurance
 14 plan, not to the retiree, and the retiree shall not be entitled to receive any portion of
 15 the government contribution remaining after payment is made to the approved
 16 provider.

17 (6) Group rates under the group health insurance plan approved by the urban-county
 18 council under subsection (1) of this section shall be made available to the spouse,
 19 dependents, and disabled children, regardless of the disabled child's age, of a
 20 qualified and participating retiree, if the premium for the spouse, dependent, or
 21 disabled child is paid by the retired member, spouse, dependent, or disabled child,
 22 by payroll deduction or similar method.

23 Section 2. KRS 67A.402 is amended to read as follows:

24 (1) (a) Except as otherwise provided in paragraph (b) of this subsection, any member
 25 who has at least five (5) years of total service credit as a member of the fund
 26 may purchase service credit, that is not otherwise purchasable, for up to a
 27 maximum of four (4) years of service. The member shall not be entitled to

1 purchase any service credit for which he or she has been given credit in
 2 another defined benefit retirement fund; however, the member may purchase
 3 government service credit by transferring funds directly from another public
 4 defined benefit retirement plan if the member provides proof that he or she is
 5 not eligible for a retirement benefit from the other public defined benefit
 6 retirement fund.

7 (b) Any provision of law to the contrary notwithstanding, no service credit
 8 purchase under this subsection shall be counted toward the accrual of a health
 9 or other medical insurance retirement benefit in this retirement system.

10 (2) A member who purchases service credit shall file an application with the board no
 11 later than sixty (60) days prior to the anticipated service purchase payment
 12 date~~[within the five (5) year period]~~. The member shall pay to the fund an amount
 13 which shall be determined by actuarial method consistent with the methods
 14 prescribed for determining the purchase of prior service credit which shall be the
 15 principal.

16 (3) Payment of the principal shall be made in a lump sum or payment of the principal
 17 and interest may be made by installments. Interest, at the annual rate of return on
 18 investments of the fund for the preceding year, shall be established by the
 19 commissioner of finance on or before August 31 of each year and shall be based on
 20 financial statements of the fund for the year ending June 30, except that the interest
 21 shall not be less than three percent (3%). Interest shall be added to the principal for
 22 the time period for which installments are to be made.

23 (4) If payments are made by installment, the cost of purchasing the service credit shall
 24 be recalculated annually based upon the member's current salary, the interest rate
 25 established by the commissioner of finance, and other factors required by the
 26 actuarial method. The member's payments shall be adjusted annually to reflect the
 27 annual recalculation of the cost of purchasing service credit. Installment payments

1 shall be consecutive and the total number of monthly installments shall not be less
 2 than twelve (12) or more than two hundred forty (240). The member shall pay the
 3 installments by payroll deduction.

4 (5) Payments shall not be [~~considered accumulated contributions of the member and~~
 5 ~~shall not be~~] picked up by the urban-county government. No employer contribution
 6 shall be paid on the installments. The board shall determine how much of the total
 7 cost represents payment for one (1) quarter of the service to be purchased and the
 8 member shall receive service credit for one (1) quarter of the service each time this
 9 amount is paid.

10 (6) If the member dies, retires, or ceases to be a member of the fund before he or she
 11 has made all installment payments for the purchase of service credit, the fund shall
 12 refund to the member, his or her qualified surviving spouse, or his or her estate, the
 13 portion of any payment that does not represent a full quarter of service.

14 (7) A member who does not repay a refund of contributions, as provided in KRS
 15 67A.500(3), shall be entitled to purchase service credit for prior membership
 16 service.

17 (8) The member may cancel a purchase obligation at any time, but once canceled, a
 18 member shall have forever forfeited, waived, and relinquished the right to purchase
 19 service credit.

20 Section 3. KRS 67A.404 is amended to read as follows:

21 (1) Any member who retires based on age and service on or after January 1, 1990, or
 22 based on service on or after September 18, 2002[thereafter], may purchase service
 23 credit for unused sick leave accrued while contributing to the retirement fund from
 24 which the retirement benefit is to be paid in accordance with this section.

25 (2) A member retiring based on age and service, or based on service only, on or after
 26 September 18, 2002, who chooses to purchase service credit for unused,
 27 accumulated sick leave as provided in this section shall notify the board of his or

1 her intention upon submitting his or her retirement application to the board. The
 2 urban-county government shall certify the retiring member's unused, accumulated
 3 sick leave balance, up to a maximum of seven hundred and twenty (720) hours for
 4 members employed by the division of police and one thousand and eight (1,008)
 5 hours for members employed by the division of fire. The member's sick leave
 6 balance, expressed in days, shall be divided by the average number of working days
 7 per month and rounded to the nearest number of whole months. This number of
 8 months shall be added to the member's service credit for the purpose of determining
 9 his or her rate of retirement annuity pursuant to KRS 67A.430 and his or her total
 10 service credit pursuant to KRS 67A.400. The value of the unused, accumulated sick
 11 leave shall be based on the daily salary rate calculated from the member's last
 12 annual salary. Payment for unused sick leave, up to a maximum of seven hundred
 13 and twenty (720) hours for members employed by the division of police and one
 14 thousand and eight (1,008) hours for members employed by the division of fire,
 15 shall be incorporated into the annual salary of the final year of service, provided that
 16 the member contributes to the retirement fund the amount set forth in KRS 67A.510
 17 and the urban-county government matches such contribution by the amount set forth
 18 in KRS 67A.520(1) on the unused, accumulated sick leave.

19 Section 4. KRS 67A.410 is amended to read as follows:

20 ~~[(1)]~~Beginning September 18, 2002, any member may, at his or her option, retire on a
 21 service retirement annuity ~~[upon or after attainment of the age of forty six (46) years,]~~ if
 22 he or she has~~[shall have]~~ completed at least twenty (20) years of total service. Upon
 23 fulfillment of this term~~[these terms]~~, the board shall grant the retirement annuity upon
 24 receipt of the application of the member.

25 ~~[(2) Any member who withdraws from service prior to age forty six (46) years after~~
 26 ~~having completed at least twenty (20) years of total service, and who does not~~
 27 ~~accept a refund of contributions, shall receive, upon application, a certificate~~

1 ~~entitling him to a service retirement annuity upon his attainment of age forty six~~
 2 ~~(46) and specifying the amount of the annuity earned and accrued at the date of~~
 3 ~~withdrawal from service.~~

4 ~~(3) Upon the death, prior to age forty six (46), of a member holding a certificate~~
 5 ~~granted pursuant to subsection (2) of this section, the surviving spouse shall receive~~
 6 ~~an annuity equal to sixty percent (60%) of the annuity specified on the certificate,~~
 7 ~~subject to the conditions and additional benefits found in KRS 67A.450(1)(a),~~
 8 ~~67A.450(1)(b), 67A.450(2), and 67A.450(3).~~

9 ~~(4) The benefits provided in KRS 67A.600 and 67A.690 to an eligible member who~~
 10 ~~retires or withdraws from service under the provisions of subsection (1) or (2) of~~
 11 ~~this section after July 15, 1994, or to the member's surviving spouse or dependent~~
 12 ~~children, shall be calculated when the member is retired for one (1) year or attains~~
 13 ~~the age of forty seven (47), whichever is later, or would have been retired for one~~
 14 ~~(1) year or reached the age of forty seven (47), whichever is later, if the member~~
 15 ~~died before being retired one (1) year or reaching the age of forty seven (47).~~

16 ~~(5) On or before March 3, 2003, the board shall provide for a vote by the full active~~
 17 ~~membership on a provision that would allow members to retire with full benefits~~
 18 ~~after twenty (20) years of total service, regardless of age. If a majority of the active~~
 19 ~~membership voting votes in favor of a twenty (20) year service provision, the urban-~~
 20 ~~county government, in coordination with the board, shall enact the twenty (20) year~~
 21 ~~service provision within a period of six (6) months. Notwithstanding any statute to~~
 22 ~~the contrary, any member retiring after the enactment of the twenty (20) year service~~
 23 ~~provision, if enacted, shall be eligible to retire with twenty (20) years of service~~
 24 ~~regardless of age.]~~

25 Section 5. KRS 67A.430 is amended to read as follows:

26 (1) The rate of retirement annuity shall be two and one-half percent (2.5%) of average
 27 salary, as defined in KRS 67A.360(13), for each year of total service. Fractional

periods of service shall be considered in the calculation of such annuities according to the aforesaid rate. Provided, however, that no retiree, or his or her surviving spouse~~[widow]~~, whether the member~~[he]~~ retired before or after June 16, 1972, under this section shall receive a pension of less than \$100 a month and when Social Security benefits are increased the minimum shall be increased by a like amount, provided that the increase shall not exceed five percent (5%).

- (2) Any retiree or surviving spouse who as of July 1, 2005~~[2001]~~, was~~[is]~~ receiving a monthly annuity of less than one thousand two hundred fifty dollars (\$1,250)~~[\$1,000]~~ shall have the pension increased to one thousand two hundred fifty dollars (\$1,250). Such increase shall be retroactive to July 1, 2005, and the retiree or surviving spouse shall receive a lump sum payment equal to the difference between the amount of the monthly annuities received between July 1, 2005, and July 15, 2006, and the amount that would have been received had the monthly annuity been increased on July 1, 2005.~~[\$1,000], and~~ The board shall increase this annuity at the same rate as annually provided by KRS 67A.690(1), and such increase shall be determined and granted annually thereafter by the board.

Section 6. KRS 67A.450 is amended to read as follows:

- (1) Upon death of a member occurring while in service, arising from any cause other than in the performance of duty, provided the member has had at least five (5) years of total service, his or her surviving spouse~~[widow]~~ shall receive an annuity equal to one and one-half percent (1-1/2%) of average salary for each year of total service, credited to the member, but not less than fifteen percent (15%) of average salary, subject to the following conditions:
- (a) The surviving spouse~~[widow]~~ had been married to the member at least six (6) months prior to his or her death;
- (b) The surviving spouse's~~[widow's]~~ annuity will terminate in any event when the surviving spouse dies~~[widow remarries]~~. The annuity of each child or children

1 shall continue until each child attains age eighteen (18), or, in the case of a
 2 child regularly engaged in full-time educational activities the age of twenty-
 3 three (23).

4 (2) If, in addition to a surviving spouse[widow], minor children survive the member, an
 5 additional annuity shall be payable for such children equal to fifty percent (50%) of
 6 the amount of the surviving spouse's[widow's] annuity for the first child, and
 7 twenty-five percent (25%) of the amount of the surviving spouse's[widow's]
 8 annuity for each additional child, subject to a maximum combined payment for the
 9 surviving spouse[widow] and children of seventy-five percent (75%) of the
 10 member's average salary. The annuity payable for minor children shall be divided
 11 and paid in equal amounts for each child to the parent or guardian of each child
 12 under eighteen (18), and directly to each child between the ages of eighteen (18) and
 13 twenty-three (23) who is regularly engaged in full-time educational activities. As
 14 eligibility of children expires, the total annuity payable for such children shall be
 15 reduced by percentage amount in reverse order.

16 (3) If the member is not survived by a surviving spouse[widow] who qualifies under
 17 KRS 67A.450(1)(a) and there are minor children, the following benefits shall be
 18 paid: (a) one (1) minor child, fifty percent (50%), (b) two (2) minor children,
 19 fifteen percent (15%) additional, (c) three (3) or more minor children ten percent
 20 (10%) additional, subject to a maximum combined payment of seventy-five percent
 21 (75%) of the average salary as defined in KRS 67A.360(13). The benefits payable
 22 for minor children shall be divided and paid in equal amounts for each child to the
 23 parent or legal guardian of each child under the age of eighteen (18), and directly to
 24 each child between the ages of eighteen (18) and twenty-three (23) who is regularly
 25 engaged in full-time educational activities. The annuity of each child or children
 26 shall continue until each child attains age eighteen (18), or, in the case of a child
 27 regularly engaged in full-time educational activities the age of twenty-three (23).

1 The annuity payments shall be reduced in reverse order, as provided in subsection
2 (2) of this section.

3 Section 7. KRS 67A.460 is amended to read as follows:

- 4 (1) If a total and permanent occupational disability occurs, the member shall receive an
5 annuity calculated pursuant to subsection (2) of this section. This benefit shall begin
6 at the time the member's~~[his]~~ salary ceases, and shall be paid during his or her
7 entire lifetime. At the member's death, his or her eligible surviving spouse~~[widow]~~,
8 if any, shall receive the benefits as provided under KRS 67A.492, and his or her
9 minor children, if any, shall receive benefits as provided under KRS 67A.440.
- 10 (2) The minimum annuity rate for a total and permanent occupational disability shall be
11 sixty percent (60%) of the member's last rate of salary. The minimum rate shall be
12 increased by one half (1/2) of the amount by which the member's percentage of
13 disability exceeds twenty percent (20%), but this increase shall be not more than
14 fifteen percent (15%) of the member's last rate of salary and the member's total
15 annuity shall not be greater than seventy-five percent (75%) of his or her last rate of
16 salary.
- 17 (3) The member's percentage of disability shall be the average of the impairment rating
18 determined by two (2) physicians selected by the board under KRS 67A.480, using
19 the latest edition of the American Medical Association's "Guides to the Evaluation
20 of Permanent Impairment".
- 21 (4) If a member is eligible for a service retirement annuity under KRS 67A.410~~[(1) or~~
22 ~~(2)]~~ and the amount of the member's~~[his]~~ service retirement annuity would exceed
23 the amount of his or her total and permanent occupational disability annuity, as
24 determined by the board under this section, then the member may elect to receive an
25 additional service retirement annuity payment equal to the amount by which the
26 member's~~[his]~~ service retirement annuity would have exceeded the amount of his or
27 her total and permanent occupational disability annuity, in addition to the

1 member's~~[his]~~ disability annuity, by filing with the board the application required
 2 by KRS 67A.410.~~[A member who is eligible for a certificate entitling him to a~~
 3 ~~service retirement annuity under KRS 67A.410(2) shall not be eligible to receive~~
 4 ~~this additional service retirement annuity payment until he attains the age of forty-~~
 5 ~~six (46).]~~

6 Section 8. KRS 67A.490 is amended to read as follows:

7 (1) Upon death of a member, occurring while in active service, if no surviving
 8 spouse's~~[widow's]~~ annuity, children's annuities or dependent parent annuities are
 9 payable, the designated beneficiary of the member or his or her estate shall be
 10 entitled to a death benefit equal to the total contributions made by the member,
 11 including the amount of any employee contributions picked up by the urban-county
 12 government pursuant to KRS 67A.510(2), without interest, or one thousand
 13 five~~[three]~~ hundred dollars (\$1,500)~~[(\$300)]~~, whichever is greater.

14 (2) Upon death of a retired member, if no surviving spouse's~~[widow's]~~ annuity,
 15 children's annuities or dependent parent annuities shall be due and payable, a death
 16 benefit shall be paid to the designated beneficiary or estate of the member, equal to
 17 the excess, if any, of the total contributions made by the member, including those
 18 picked up pursuant to KRS 67A.510(2), to this fund to the date of retirement,
 19 without interest, over the total annuity payments received by the member. The
 20 minimum payment in such case shall be one thousand five~~[three]~~ hundred dollars
 21 (\$1,500)~~[(\$300)]~~. If a surviving spouse's~~[widow's]~~ annuity, children's annuities or
 22 dependent parent annuities are payable after the death of the retired member, the
 23 amount of such death benefit, if any, shall be determined upon termination of
 24 annuity payments to all survivors of the member, whether such termination occurs
 25 by death~~[, remarriage]~~ or other cause.

26 Section 9. KRS 67A.492 is amended to read as follows:

27 (1) Upon the death of a retired member, his or her surviving spouse~~[widow]~~ shall

1 receive an annuity equal to sixty percent (60%) of the member's final annuity, or of
 2 the member's final rate of pay, whichever is greater. The surviving spouse~~[widow]~~
 3 must have been married to the member for at least three (3) years~~[one (1) year]~~
 4 prior to the member's death or six (6) months prior to the member's retirement in
 5 order to be eligible for the benefits provided in this section. Effective the effective
 6 date of this Act, the benefits provided by this section shall be made eligible to
 7 surviving spouses of any retired member who died on July 14, 2000, or thereafter.

8 (2) Any member who retires on July 15, 1990, or thereafter, shall have the option at
 9 retirement to purchase an increased annuity allowance for his or her surviving
 10 spouse~~[widow]~~. The amount of any such optional survivorship allowance shall be
 11 actuarially equivalent to the amount of retirement allowance otherwise payable to
 12 the member~~[him]~~. The member may elect either of two (2) options:

13 (a) Survivorship seventy-five percent (75%). The member may elect to receive a
 14 decreased retirement allowance during his or her lifetime and have seventy-
 15 five percent (75%) of such retirement allowance continue after the
 16 member's~~[his]~~ death to his or her eligible surviving spouse~~[widow]~~ until the
 17 surviving spouse's~~[her]~~ death~~[or remarriage]~~.

18 (b) Survivorship one hundred percent (100%). The member may elect to receive a
 19 decreased retirement allowance during his or her lifetime and have such
 20 retirement allowance continued at the same rate after the member's~~[his]~~ death
 21 to his or her eligible surviving spouse~~[widow]~~ until the surviving
 22 spouse's~~[her]~~ death~~[or remarriage]~~.

23 Section 10. KRS 67A.560 is amended to read as follows:

24 (1) The officers of the board shall consist of a president, vice president, and a secretary.
 25 The president shall be the chief executive officer of the board, shall preside at all
 26 meetings and shall appoint all necessary committees. The vice president shall serve
 27 as president in the absence of the president.

- 1 (2) The board shall designate a secretary who may be a member of the board and shall
 2 fix the secretary's~~[his]~~ compensation. The secretary shall keep a full account of all
 3 proceedings of the board and shall give notice of all meetings and give effect to all
 4 resolutions, orders, and directives of the board. The secretary~~[He]~~ shall be in charge
 5 of the detailed affairs of administration of the fund; shall keep the record of
 6 proceedings of all meetings; shall keep all books, files, records, and accounts of the
 7 fund; shall receive all applications for annuities, benefits, and refunds; shall prepare
 8 periodic reports relative to the financial operations of the fund for the information
 9 of the board and its membership; shall compile all statistics pertinent to the
 10 operations of the fund; and shall answer all correspondence received by the board.
- 11 (3) The commissioner of finance shall be ex officio treasurer of the board and custodian
 12 of the fund. The commissioner~~[He]~~ shall have custody of all cash and securities of
 13 the fund, subject to the authority and directives of the board, and shall keep such
 14 accounts and records as may be prescribed by the board. These accounts and records
 15 shall be subject to inspection of the board or any member thereof.
- 16 (4) The commissioner of finance shall, within ten (10) days after his or her selection,
 17 execute a bond to the board, with good surety, in such penal sum as the board
 18 directs, to be approved by the board, conditioned upon the faithful performance of
 19 the duties of the~~[his]~~ office, and that the commissioner shall~~[he will]~~ safely keep
 20 and shall~~[will]~~ truthfully account for all money and properties that come into his or
 21 her hands as treasurer of the fund, and that upon the expiration of his or her term of
 22 office, he or she shall~~[will]~~ deliver to his or her successor all securities,
 23 unexpended moneys, and other properties that come into his or her hands as
 24 treasurer of the fund. The bond shall~~[will]~~ be filed with the secretary of the board,
 25 and suit thereon may be filed in the name of the board for use of the board or any
 26 person injured by its breach. The premium on said bond may be paid out of the
 27 fund.

1 (5) The commissioner of law of the government shall serve as legal adviser to the
2 board~~[on all matters pertaining to the fund involving suits or actions at law, and on~~
3 ~~any questions of the interpretation of the provisions hereof]~~, except that the board
4 shall have the power to hire independent counsel~~[for any suits or actions of law]~~,
5 the cost of such independent counsel to be borne by the pension fund.

6 (6) The board may employ actuarial assistance from time to time to advise it in matters
7 relating to the technical aspects of operations of the fund, to assist in the preparation
8 of the periodic financial reports, to determine rates of urban-county contribution,
9 and to make periodic analyses of the operation of the fund. Within six (6) months
10 after the establishment of an urban-county form of government, an actuarial study
11 shall be made for the purpose of recommending rates, mortality, disability,
12 retirement, separations from service, and other essential factors. Beginning July 1,
13 2000, and at least once every two (2) years thereafter an actuarial survey and
14 investigation shall be made of the operating experience of the fund, including a
15 study of the rates, mortality, disability, retirement, separations from service, and
16 other essential factors. The actuary shall recommend all mortality and interest tables
17 to be adopted by the board, and shall recommend, if appropriate, cost-of-living
18 increases as provided in KRS 67A.430. In the event such survey is not undertaken
19 as provided herein, any member of the fund or any annuitant may obtain an
20 injunction or mandamus requiring such survey and investigation, or may obtain the
21 appointment of a person or persons to make such study and investigation, from the
22 Circuit Court of any county in which the government is located.

23 (7) The board shall establish rules and regulations to implement the provisions of KRS
24 67A.360 to 67A.690 which shall not be inconsistent therewith.

25 Section 11. KRS 67A.570 is amended to read as follows:

26 The board may invest the moneys accruing to the fund, in interest-bearing bonds of any
27 county, urban-county government or city of the first, second, or third class in this

1 Commonwealth, or in any securities in which trustees are permitted to invest trust funds
 2 under the laws of this Commonwealth, or in international or other securities as
 3 permitted under federal law. Such bonds shall be registered in the name of the board to
 4 the extent possible. The securities acquired by the board shall be deposited with the
 5 commissioner of finance and shall be subject to the order of the board. The board may at
 6 the cost of the pension fund employ or engage consultants to provide investment advice
 7 to aid the board in its determinations.

8 SECTION 12. A NEW SECTION OF KRS 67A.360 TO 67A.690 IS CREATED
 9 TO READ AS FOLLOWS:

10 (1) Each current, former, or retired member's account shall be administered in a
 11 confidential manner and specific data regarding a current, former, or retired
 12 member shall not be released for publication unless authorized by the member.
 13 However, the board may release account information to the urban-county
 14 government or to any other governmental agency as it deems necessary or in
 15 response to a lawful subpoena or order issued by a court of law.

16 (2) A subpoena served upon the board that requires the production of any specific
 17 data regarding a current, former, or retired member is sufficient if the secretary
 18 of the board delivers within five (5) working days, by certified mail or by personal
 19 delivery, legible and durable copies of records, certified by the secretary, or an
 20 affidavit stating the information required by the subpoena. The production of
 21 documents or an affidavit shall be in lieu of any personal testimony of the
 22 secretary unless, after the production of documents or affidavit, a separate
 23 subpoena is served upon the board specifically directing the testimony of the
 24 secretary.

25 (3) The certification shall be signed before a notary public by the secretary and shall
 26 include the name of the member, the member's Social Security number, and a
 27 legend substantially to the following effect: "The records are true and complete

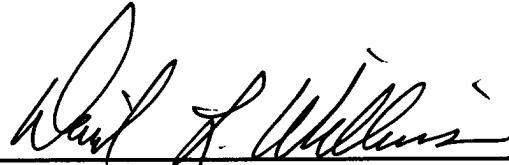
1 reproductions of the original records which are housed in the board's office. This
2 certification is given by the undersigned in lieu of his or her personal
3 appearance."

4 (4) When an affidavit or copies of records are personally delivered, a receipt shall be
5 presented to the person receiving the records for his or her signature and shall be
6 immediately signed and returned to the person delivering the records. When an
7 affidavit or copies of records are sent via certified mail, the receipt used by the
8 postal authorities shall be sufficient to prove delivery and receipt of the affidavit
9 or copies of records.

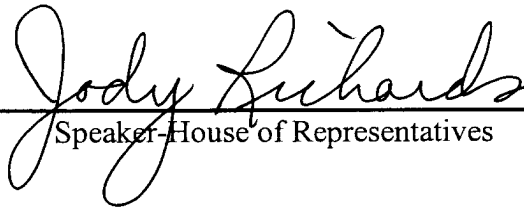
10 (5) When the affidavit or copies of record are delivered to a party for use in a
11 deposition, they shall, after termination of the deposition, be delivered personally
12 or by certified mail to the clerk of the court or other body before which the action
13 or proceeding is pending. It shall be the responsibility of the party or attorney to
14 transmit the receipt obtained to the secretary of the board. Upon issuance of a
15 final order terminating the case and after the normal retention period for court
16 records expires, the affidavit or copies of records shall be permanently disposed
17 of by the clerk in a manner that protects the confidentiality of the information
18 contained therein.

19 (6) Records of the board that are susceptible to photostatic reproduction may be
20 proved as to foundation, identity, and authenticity without any preliminary
21 testimony by use of legible and durable copies, certified in accordance with the
22 provisions of this section.

23 Section 13. Whereas, the fiscal year for the urban-county begins July 1, 2006, an
24 emergency is declared to exist, and this Act takes effect upon its passage and approval by
25 the Governor or upon its otherwise becoming a law.

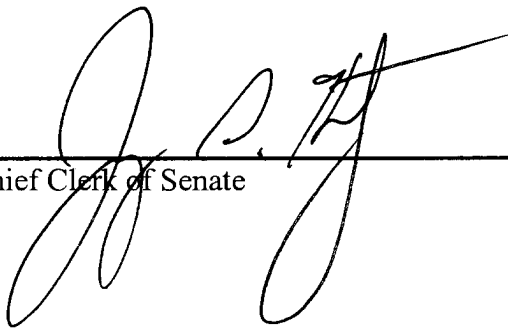


President of the Senate



Speaker House of Representatives

Attest:



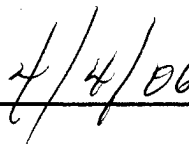
Chief Clerk of Senate

Approved



Governor

Date



4/4/06